

### **REMARKS**

The Office Action dated October 17, 2006 has been received and carefully noted. The above amendments to the claims and the following remarks, are submitted as a full and complete response thereto.

Claim 22 is amended to more particularly point out and distinctly claim the subject matter of the present invention. New claims 30-39 are added. No new matter is added. A terminal disclaimer is attached. Claims 18-39 are respectfully submitted for consideration.

The Office Action rejected claims 18, 22 and 23 because of informalities. Regarding claim 18, Applicants respectfully submit that the feature “configured to” is a positive recitation because this limitation further limits the load balancing unit because it has to be able to select the destination port from the subset of network ports in the trunk group, as recited in claim 18. Regarding claim 22, Applicant respectfully submits that claim 22, from which claim 23 depends, provides proper antecedent basis for all of the recited claim elements.

Accordingly, withdrawal of the objection is respectfully requested.

The Office Action rejected claims 18, 19 and 21-28 on the grounds of nonstatutory obviousness type double patenting as being obvious over claims 1-10 of US Patent No. 6,363,077. As noted above, Applicants submit the attached terminal disclaimer. Accordingly, withdrawal of the obviousness type double patenting rejection is respectfully requested.

The Office Action rejected claims 18-21, 25 and 27 under 35 U.S.C. 102(e) as being anticipated by US Patent No. 5,978,951 to Lawler et al. (Lawler). Applicants respectfully submit that Lawler fails to disclose or suggest all of the features recited in any of the pending claims.

Claim 18, from which claims 19-29 depend, is directed to a communications device. A plurality of network ports, include a trunk group formed of a subset of the plurality of network ports, the trunk group communicating with aggregated network links. A packet routing unit connected to the plurality of network ports, is configured to receive a packet. The packet includes a source address value, and a destination address value. The packet routing unit determines said trunk group as a destination port. A load balancing unit in communication with the packet routing unit, is configured to select the destination port from the subset of network ports in the trunk group. The destination port being determined as a function of a source port ID value corresponding to a source port for the packet. The load balancing unit balances a distribution of packets among the subset of network ports of the trunk group.

Applicants respectfully submit that each of the pending claims recite features that are neither disclosed nor suggested in Lawler.

Lawler is directed to address cache management. A unit maintains a network address cache and an age table, searches the cache for layer 2 and layer 3 addresses from received frame headers, and returns address search results. The unit includes an interface permitting processor manipulation of the cache and age table, and supports a 4-way set

associative cache to store the network addresses. A plurality of functions implemented in hardware enables software manipulation of the associated cache. Four cache operating modes are selectable. The unit can identify and select destination ports within a Load Balanced Port Group for frame forwarding. The unit utilizes Virtual LAN identification in conjunction with a MAC address for lookup in the cache. A cyclic redundancy code for each address to be looked up in the cache is used as an index into the cache. If a cache thrash rate exceeds a predetermined threshold, CRC table values can be rewritten. Four time-sliced cache lookup units are provided, each consisting of a cache lookup controller for comparing a received network address to an address retrieved from an identified cache set.

Applicants respectfully submit that Lawler fails to disclose or suggest at least the feature of a load balancing unit in communication with the packet routing unit, said load balancing unit configured to select the destination port from the subset of network ports in the trunk group, said destination port being determined as a function of a source port ID value corresponding to a source port for the packet, as recited in claim 18. Lawler merely discloses that the ACA identifies a port within the LBPG on which to transmit a unicast frame and to generate a port mask indicating to which ports a multicast frame is to be transmitted. The ACA must indicate if the receive port is in the same LBPG as the port on which the source was learned. See column 14 lines 46-53 of Lawler. Thus, the ACA does not determine the destination port as a function of a source port ID value corresponding to a source port for the packet, but instead merely indicates if the source

port is within the same LBPG as the port on which the source was learned. If it is not, the transmit port is the learned port from the caches and if it is in one of the LBPG groups the ACA then selects one of the enabled ports in that group for transmit. See column 14 lines 54-59 of Lawler. In other words, in Lawler the port mask is an indicator for the ports to which the unicast frame is to be transmitted i.e., receiving ports. As recited in claims 18, the source port ID value corresponds to a source port at which a particular packet has been received.

Applicants respectfully submit that because claims 19-21, 25 and 27 depend from claim 18, these claims are allowable at least for the same reasons as claim 18, as well as for the additional features recited in these dependent claims.

Based at least on the above, Applicants respectfully submit that Lawler fails to disclose or suggest all of the features recited in claims 18-21, 25 and 27. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested.

The Office Action rejected claim 29 under 35 U.S.C. 103(a) as being obvious over Lawler. The Office Action took the position that Lawler disclosed all of the features of claim 29 except that the bandwidth of the LBPG is the product of the bandwidth of each port link and the number of links. The Office Action took the position that it would be obvious to modify Lawler to yield the claimed invention. Applicants respectfully submit that Lawler fails to disclose or suggest all of the features recited in claim 29.

Lawler is discussed above. Applicants respectfully submit that because claim 29 depends from claim 18, Lawler is deficient at least for the same reasons discussed above regarding claim 29, as well as for the additional features recited in this dependent claim.

Based at least on the above, Applicants respectfully submit that Lawler fails to disclose or suggest all of the features recited in claim 29. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) of claim 29 is respectfully requested.

The Office Action objected to claims 22-24, 26 and 28 as being dependent from a rejected base claim and would be allowable if rewritten into independent form. Applicants are grateful for the indication that claims 22-24, 26 and 28 include allowable subject matter. However, Applicants respectfully submit that because claims 22-24, 26 and 28 depend from claim 18, these claims are allowable in their present form, at least for the same reasons as claim 18. Accordingly, withdrawal of the objection to claims 22-24, 26 and 28 is respectfully requested.

As stated above new claims 30-39 are added. Applicants respectfully submit that each of claims 30-39 recite features that are neither disclosed nor suggested in any of the cited references.

Applicants respectfully submit that each of claims 18-39 recite features that are neither disclosed nor suggested in any of the cited references. Accordingly, it is respectfully requested that each of claims 18-39 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Submission of Terminal Disclaimer  
Additional Claim Fee Transmittal  
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